UNITED STATES DISTRICT COURT	EAST	TERN DISTRICT OF TEXAS
DWAYNE HEMMINGWAY,		
Plaintiff,		
versus	CIVIL ACT	ION NO. 1:06-CV-301
STATE OF TEXAS,		
Defendant.		

## MEMORANDUM ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Dwayne Hemmingway, an inmate confined at the Jefferson County Correctional Facility, proceeding *pro se*, brought this civil rights lawsuit against the State of Texas.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed for failure to exhaust administrative remedies.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

## ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendation.

SIGNED at Beaumont, Texas, this 29th day of June, 2006.

Marcia A. Crone

MARCIA A. CRONE

UNITED STATES DISTRICT JUDGE